

Surface Mining Reclamation and Enforcement, Interior

§ 934.25

| Original amendment submission date | Date of final publication | Citation/description |
|------------------------------------|---------------------------|--|
| September 2, 1998 ... | November 8, 1999 .. | NDAC 69-05.2-90 NDAC 69-05.2-01-03 NDAC 69-05.2-05-09 NDAC 69-05.2-09-09 NDAC 69-05.2-13-02 NDAC 69-05.2-13-08 NDAC 69-05.2-15-02 NDAC 69-05.2-15-04 NDAC 69-05.2-16-09 NDAC 69-05.2-19-04 |
| June 20, 2000 | March 2, 2001 | NDAC 69-05.2-01-03; NDCC 28-32 NDAC 69-05.2-09.15.8 NDAC 69-05.2-10-03.6.c NDAC 69-05.2-12-09 NDAC 69-05.2-12-12.2 NDAC 69-05.2-16-05 NDAC 69-05.2-22-07.4.1 NDAC 69-05.2-26-05.3 NDAC 69-05.2-29-03 |
| March 16, 2000 | May 17, 2001 | Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments. |
| May 9, 2001 | November 16, 2001 | NDCC 38-14.1 |
| November 21, 2002 .. | July 7, 2003 | <i>Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments: Section II-C, D, E, F, G, and H; Section III-C, D, and E</i> |
| Feb. 10, 2003 | Dec. 4, 2003 | NDAC 69-05.2-01-02(120) NDAC 69-05.2-04-01.1 through 01.7 NDAC 69-05.2-05-01 NDAC 69-05.2-09-01 NDAC 69-05.2-12-12 NDAC 69-05.2-16-04 NDAC 69-05.2-16-05(1)(b)(3) NDAC 69-05.2-16-09 |
| April 23, 2003 | January 20, 2004 ... | NDAC 69-05.2-01-02.13 NDAC 69-05.2-12-01.11 NDAC 69-05.2-12-04.2 NDAC 69-05.2-17-07 NDAC 69-05.2-22-07 |
| April 20, 2005 | November 28, 2005 | NDCC 38-14.1-17.1.a and 2005b. |
| May 24, 2006 | December 20, 2006 | NDAC 69-05.2-06-03 NDAC 69-05.2-10-01 NDAC 69-05.2-12-12 NDAC 69-05.2-16-09 NDAC 69-05.2-22-07 NDAC 69-05.2-24-01 |
| March 12, 2008 | September 12, 2008 | NDAC 69-05.2-08-08 NDAC 69-05.2-10-03 NDAC 69-05.2-12-05.1 |
| November 12, 2009 .. | December 27, 2010 | NDCC 38-14.1-24(18). NDAC 69-05.2-09-2. 2NDAC 69-05.2-22-07. |

[62 FR 9948, Mar. 5, 1997, as amended at 62 FR 22894, Apr. 28, 1997; 62 FR 44900, Aug. 25, 1997; 63 FR 49434, Sept. 16, 1998; 64 FR 1130, Jan. 8, 1999; 64 FR 12900, Mar. 16, 1999; 64 FR 38827, July 20, 1999; 64 FR 60659, Nov. 8, 1999; 66 FR 13020, Mar. 2, 2001; 66 FR 27459, May 17, 2001; 66 FR 57662, Nov. 16, 2001; 68 FR 40147, July 7, 2003; 68 FR 67804, Dec. 4, 2003; 69 FR 2666, Jan. 20, 2004; 70 FR 71242, Nov. 28, 2005; 71 FR 76148, Dec. 20, 2006; 73 FR 52923, Sept. 12, 2008; 75 FR 81122, Dec. 27, 2010]

§ 934.16 Required program amendments.

Pursuant to 30 CFR 732.17(f)(1), North Dakota is required to submit to OSM by the specified date the following written, proposed program amendment, or a description of an amendment to be proposed that meets the requirements of SMCRA and 30 CFR Chapter VII and a timetable for enactment that is consistent with North Dakota's established administrative or legislative procedures.

(a)-(cc) [Reserved]

[53 FR 2840, Feb. 2, 1988, as amended at 54 FR 10145, Mar. 10, 1989; 55 FR 1819, Jan. 19, 1990; 57 FR 827, Jan. 9, 1992; 59 FR 11933, Mar. 15, 1994; 59 FR 37431, July 22, 1994; 60 FR 18745, Apr. 13, 1995; 60 FR 36223, July 14, 1995; 62 FR 22895, Apr. 28, 1997; 63 FR 49434, Sept. 16, 1998; 64 FR 1130, Jan. 8, 1999; 64 FR 60660, Nov. 8, 1999]

§ 934.20 Approval of North Dakota abandoned mine plan.

The North Dakota Abandoned Mine Plan as submitted on July 28, 1981, is

approved. Copies of the approved program are available at:

Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, WY 82601-1918; Telephone: (307) 261-5776.

North Dakota Public Service Commission, Abandoned Mine Land Division, State Capitol, Bismarck, ND 58505; Telephone: (701) 224-4096.

[57 FR 33116, July 27, 1992]

§ 934.25 Approval of North Dakota abandoned mine land reclamation plan amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

| Original amendment submission date | Date of final publication | Citation/description |
|------------------------------------|---------------------------|---|
| March 4, 1983 | June 24, 1983 | Definition of reclamation terms; right of entry; land acquisition, management, and disposition; other policies and procedures. |
| September 15, 1987 | June 16, 1988 | Revision of administrative and management structure of the approved North Dakota Plan. |
| October 31, 1991 | July 27, 1992 | NDCC 38–14.2–04, –06. |
| May 25, 1993 | September 27, 1993 | Emergency response reclamation program; set-aside trust funds, eligible lands. |
| September 20, 1995 | October 8, 1996 | NDCC 38–14.2–03(14); Public Service Commission Procurement and Contract Procedures; PSC policies Nos. 2–01–81(5), 2–02–81(5); PSC organizational structure. |

[62 FR 9949, Mar. 5, 1997]

§ 934.30 State-Federal Cooperative Agreement.

COOPERATIVE AGREEMENT

This is a Cooperative Agreement (Agreement) between North Dakota (State) acting by and through the North Dakota Public Service Commission (Commission) and the Governor, and the United States Department of the Interior (Interior), acting by and through the Secretary of the Interior (Secretary) and the Office of Surface Mining (OSM).

ARTICLE I: INTRODUCTION AND PURPOSE

A. *Authority:* This Agreement is authorized by section 523(c) of the Surface Mining Control and Reclamation Act (Federal Act), Pub. L. 95–87, 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved under 30 U.S.C. 1253 to elect to enter into an Agreement for the regulation and control of surface coal mining on Federal lands, and by Chapter 38–14.1 of the North Dakota Century Code, Reclamation of Surface Mined Lands (State Act). This Agreement provides for State regulation of surface coal mining and reclamation operations on Federal lands within North Dakota consistent with the State and Federal Acts and the Federal lands program (section 523(a) of the Federal Act and 30 CFR Chapter VII, Subchapter D).

B. *Purpose:* The purpose of the Agreement is to: (1) Foster State-Federal cooperation in the regulation of surface coal mining and reclamation operations; (2) eliminate unnecessary intergovernmental overlap and duplication; and (3) provide uniform and effective application of the State Program on all non-Indian lands in North Dakota.

ARTICLE II: EFFECTIVE DATE

Following signing by the Secretary, the Governor, and the Commission, the Agreement shall take effect upon publication in the FEDERAL REGISTER as a final rule. This

Agreement shall remain in effect until terminated as provided in Article X.

ARTICLE III: SCOPE

In accordance with the Federal lands program in 30 CFR parts 740–746, the laws, rules, terms, and conditions of North Dakota's Permanent State Program (Program) (conditionally approved effective December 15, 1980, 30 CFR 934.11 or as hereinafter amended in accordance with 30 CFR 732.17) are applicable to Federal lands within North Dakota except as otherwise stated in this Agreement, the Federal Act, 30 CFR 745.13, or other applicable laws or rules and regulations. Orders and decisions issued by the Commission in accordance with the State Program that are reviewable shall be reviewed pursuant to section 38–14.1–30 of the North Dakota Century Code. Orders and decisions issued by the Department that are appealable shall be appealed to the Department of the Interior's Office of Hearings and Appeals.

ARTICLE IV: REQUIREMENTS FOR COOPERATIVE AGREEMENT

The Commission and the Secretary affirm that they will comply with all of the provisions of this Agreement and will continue to meet all the conditions and requirements specified in this Article.

A. *Responsible Administrative Agency:* The Commission is, and shall continue to be, the sole agency responsible for administering this Agreement on behalf of North Dakota on Federal lands throughout the State. OSM shall administer this Agreement on behalf of the Secretary, in accordance with the regulations in 30 CFR Chapter VII.

B. *Authority of State Agency:* The Commission has and shall continue to have authority under State law to carry out this Agreement.

C. *Funds:* The State will devote adequate funds to the administration and enforcement on Federal lands in North Dakota of the requirements contained in the Program. If the State complies with the terms of this Agreement, and if necessary funds have been appropriated, OSM shall reimburse the State as